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			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

naren@chaganti.com
naren.chaganti@gmail.com

Office Action Summary**Application No.**

09/634,725

Applicant(s)

CHAGANTI, NAREN

Examiner

BENJAMIN LANIER

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 June 2011 has been entered.

Response to Amendment

2. Applicant's amendment filed 07 June 2011 amends claims 24-44. Applicant's amendment has been fully considered and entered.

Priority

3. Claims 24-31, 33-34, 38, 43 do not receive the priority date of the parent application (09/478,796) because the parent application does not support the claim limitations that specify the license includes restrictions on the number of simultaneous users permitted to access the information object, the limitation specifying that the information object includes video, and the limitation that information object is streamed.

Response to Arguments

4. Applicant argues, "Meyer does not describe a service-provider operated online repository in which a plurality of users have accounts with the server computer, and in which each of a plurality of users is allocated storage area to store their respective copyrighted information objects as recited in the claims under examination." This argument is not persuasive because

Meyer discloses a server on the Internet that implements external storage for multiple users to store copyrighted content ([0093]-[0095]).

5. Applicant argues, “it is believed that Meyer is not pertinent art that could be used against the instant independent claims.” In response, it is not clear if by “pertinent”, Applicant means that the claims as amended antedate the Meyer reference. Assuming that this was the intent, Meyer is still relevant prior art because some of the claims still include limitations that are not supported by the parent application (09/478,796). Priority has been addressed above.

6. Applicant argues that Glassman teaches away from the claimed combination. However, Applicant has failed to provide any evidence to support this allegation.

7. In response to applicant’s argument that Atkinson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Atkinson is reasonably pertinent to the particular problem with which the applicant was concerned to the extent that Atkinson details the use of expirations for content licenses.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Meyer, U.S. Publication No. 2001/0031066. Referring to claim 38, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of a database, a data communications device capable of establishing a connection with the Internet said Internet being capable of transmitting and/or receiving one or more information objects, each said information object comprising voice, video, data, text, and/or any combinations thereof, an account establishment module capable of establishing an account for the first party and storing the first party's account information in the database, a database interface module capable of storing in said database one or more copyright-protected information objects. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which meets the limitation of a security module capable of making the one or more copyright-protected information objects accessible to the second party in accord with one or more constraints imposed by respective license information associated with the one or more copyright-protected information objects. Meyer discloses that the content can be accessed by streaming ([0014]), which meets the limitation of the copyright-protected digital item is made accessible via a streaming technique.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Publication No. 2001/0031066, in view of Atkinson, U.S. Patent No. 6,367,012. Referring to claim 26, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of providing online repository services to a plurality of users by a service provider operating a server computer connected to the Internet, said server computer configured to hold information objects for each of the plurality of users, said each of the plurality of users having an account with the server computer, receiving a information object, wherein said information object comprises voice, data, storing the information object in a first user's online repository. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which meets the limitation of if the information object is copyright-protected, then receiving license information for the copyright-protected information object. Meyer does not disclose that the license expires after a period of time. Atkinson discloses utilizes licenses with an expiration (Col. 9, lines 60-61), which meets the limitation of license information indicating that the license is for access of the information

object for a predetermined time, permitting access of the copyright-protected information object in accordance with the time constraint imposed by the license information, and disabling access to the copyright-protected information object upon expiration of the predetermined time. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include expirations in order to limit the periods that the content can be access and therefore susceptible to unauthorized access as suggested by Atkinson (Col. 9, lines 60-65).

Referring to claim 27, Meyer discloses that user requests for playback of content of checked to ensure that the user has the requested content in their library and that the user has the appropriate rights in the license ([0099]), which meets the limitation of receiving a request from n requesters to access a copyright-protected information object having N (where $N \geq 1$) licenses, allowing each of the n (where $n \leq N$) requesters to access the digital item. Erickson does not disclose that the license expires after a period of time. Atkinson discloses utilizes licenses with an expiration (Col. 9, lines 60-61), which meets the limitation of access to the information for a predetermined period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include expirations in order to limit the periods that the content can be access and therefore susceptible to unauthorized access as suggested by Atkinson (Col. 9, lines 60-65).

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Publication No. 2001/0031066, in view of Atkinson, U.S. Patent No. 6,367,012, and further in view of Glassman, U.S. Patent No. 6,453,305. Referring to claim 28, Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-

62). If no licenses are available, the requestor is provided with a time that a license should become available (Col. 6, lines 12-19), which meets the limitation of establishing a waiting list for each of the remaining ($n > N$) requestors, and when one of the N licenses becomes available, permitting one of the requestors on the waiting list to access the information object. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

14. Claims 24-25, 29-31, 33-34, 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Publication No. 2001/0031066, in view of Glassman, U.S. Patent No. 6,453,305. Referring to claim 24, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]). A user transmits content having an identifier to the server, externally accessible via the Internet, that maintains content libraries for individual users identified by usernames and passwords ([0093]-[0094]), which meets the limitation of providing online repository services to a plurality of users by a service provider operating a server computer connected to the Internet, said server computer configured to hold information objects for each of the plurality of users, said each of the plurality of users having an account with the server computer, allocating storage to store a first user's information as the user's online repository, assigning an address for the first user's online repository, receiving the first user's account information, receiving an information object, storing the information object in the first user's online repository. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which meets the limitation of if the information object is copyright-

protected, then receiving license information for the information object, storing the license information along with the copyright-protected information object in the first user's online repository. Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62), which meets the limitation of examining the license information for the copyright-protected information object to determine a number N, (where $N \geq 1$) of simultaneous users who could access the copyright-protected information object, allowing no more than N simultaneous users to access the copyright-protected information object. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

Referring to claim 25, Meyer discloses that the content can be audio, video, and images ([0012]), which meets the limitation of the information object is an image, a piece of music, a piece of audio, a video clip, or a movie.

Referring to claim 29, Meyer discloses that the content can be accessed by streaming ([0014]), which meets the limitation of streaming content of the information object to said one or more of N users.

Referring to claim 30, Meyer discloses that the content can be formatted into a packaged format ([0018]), which meets the limitation of suitably formatting the information for access by said one or more of N users.

Referring to claim 31, Meyer discloses that the registration process indicates the format required for the particular end-user device ([0018]-[0021]; where the content would have to

formatted distinctly for am/fm broadcasting, digital broadcasting, or broadcasting over wireless carriers), which meets the limitation of initiating a handshaking protocol with a designated device to establish the type of formatting required to make the information object accessible to said one or more of N users.

Referring to claims 33-34, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of a database, a data communications device capable of establishing a connection with the Internet said Internet being capable of transmitting and/or receiving one or more information objects, each said information object comprising voice, video, data, text and/or any combination thereof, an account establishment module capable of establishing an account for the first party and storing the first party's account information in the database, a database interface module capable of storing in said database one or more copyright-protected information objects. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which meets the limitation of a security module capable of making the one or more copyright-protected information objects accessible to the second party in accord with one or more constraints imposed by respective license information associated with the one or more copyright-protected information objects. Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62), which meets the limitation of the one or more constraints imposed by the license information restricts the number N (where $N \geq 1$) of times the copyright-protected information objects may be accessed simultaneously, a locking mechanism configured to prevent access to the copyright-protected information objects more

than N time simultaneously. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

Referring to claim 43, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of providing online repository services to a first user by a service provider operating a server computer connected to the Internet, said Internet being capable of transmitting and/or receiving one or more information objects, each said information object comprising voice, video, data, text and/or any combination thereof, said server computer configured to hold digital items of a plurality of users, said plurality of users having accounts with the server computer, receiving an identification of a information object to be included in the first user's online repository, including the identified information in the first user's online repository. Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62), which meets the limitation of if the identified digital item is copyright-protected, then determining a number N, (where $N \geq 1$) of times that the copyright-protected information object may be simultaneously accessed, and allowing the copyright-protected information object to be simultaneously accessed no more than N times. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

15. Claim 24-28, 30-37, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manolis, U.S. Patent No. 7,243,079, in view of Glassman, U.S. Patent No. 6,453,305.

Referring to claims 24-28, Manolis discloses an online print service wherein users are able to sign up for an account (Figure 5, 51) by providing user information (Figure 7). The user's account has an associated URL (Col. 9, line 55), which meets the limitation of assigning an address for the first user's online repository. Once the user creates an account, they can upload images (Figures 11-12) to the online print service database (Figure 3, 330), which meets the limitation of allocating storage to store a first user's information as the user's online repository, receiving the first user's account information, receiving an information object, storing the information object in the first user's online repository, the information object is an image.

Manolis does not disclose that the images can be copyrighted images that are bound by license restrictions. Glassman discloses providing licensed access to copyrighted content for a period of time (Abstract & Col. 1, lines 42-50), which meets the limitation of receiving license information for the copyright-protected information object, said license information indicating that the license is for access of the information object for a predetermine time (T_{license}), permitting access of the copyright-protected information object in accordance with the time constraint imposed by the license information, and disabling access to the copyright-protected information object upon expiration of the predetermined time (T_{license}). Glassman discloses concurrent N-user license (Col. 1, lines 55-62). If no licenses are available, the requestor is provided with a time that a license should become available (Col. 6, lines 12-19), which meets the limitation of examining license information for the copyright-protected information object to determine a number N (where $N \geq 1$) of simultaneous users who could access the copyright-protected information

objects, and allowing no more than N simultaneous users to access the copyright-protected information object, receiving a request from n requesters to access a copyright-protected information object having N (where $N \geq 1$) license, allowing each of the n (where $n \leq N$) requesters to access the information object for a predetermined period of time (T_{access}), establishing a waiting list for each of the remaining ($n > N$) requesters, and when one of the N license become available, permitting one of the requesters on the wait list to access the information object. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the online print service of Manolis to provide licensed access to copyrighted images in order to provider account users with the ability control access to their copyrighted images at the same time providing concurrent access to the images as suggested by Glassman (Col. 1, lines 55-62 & Col. 2, lines 27-31).

Referring to claims 32, 35, Manolis discloses an online print service wherein users are able to sign up for an account (Figure 5, 51) by providing user information (Figure 7), which meets the limitation of an account establishment module capable of establishing an account for the first party and storing the first party's account information in the database. Once the user creates an account, they can upload images (Figures 11-12) to the online print service database (Figure 3, 330), which meets the limitation of a database interface module capable of storing in said database one or more information objects. The images are transmitted from the user's computer to the image archive database over a network (Figure 3, 310 & Col. 4, lines 7-13), which meets the limitation of a data communications capable of establishing a connection with the Internet said Internet being capable of transmitting and/or receiving one or more information objects, each said information object comprising voice, video, data, text, and/or any

combinations thereof. Once uploaded, users can share their photos with other users by placing the photos in a shared folder and sending a message to the intended share recipient that includes information used to access the shared images (Figures 24-25 & Col. 9, lines 52-65), which meets the limitation of a security module capable of making the one or more information objects accessible to the second party. Manolis does not disclose that the images can be copyrighted images that are bound by license restrictions. Glassman discloses providing licensed access to copyrighted content for a period of time (Abstract & Col. 1, lines 42-50), which meets the limitation of copyright-protected information objects, making the one or more copyright-protected information objects accessible to the second party in accord with one or more constraints imposed by respective license information associated with the one or more copyright-protected information objects, the one or more constraints imposed by license information associated with a copyright-protected information object restricts the time during which a user may access the copyright-protected information object. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the online print service of Manolis to provide licensed access to copyrighted images in order to provider account users with the ability control access to their copyrighted images as suggested by Glassman (Col. 2, lines 27-31).

Referring to claims 33, 34, Glassman discloses concurrent N-user license (Col. 1, lines 55-62). If no licenses are available, the requestor is provided with a time that a license should become available (Col. 6, lines 12-19), which meets the limitation of the one or more constraints imposed by the license information restricts the number N (where $N \geq 1$) of times the copyright-protected information object may be accessed simultaneously, a locking mechanism configured to prevent access to the copyright-protected information object more than N times

simultaneously. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide concurrent use licenses for the images of Manolis in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

Referring to claims 36-37, Manolis discloses that the images are made accessible via a browser-controlled window/via the HTTP protocol (Figures 14-15 & 24-25).

Referring to claims 30, 31, 39-41, Manolis discloses that the shared images are displayed in a format suitable for the recipient's browser (Figure 27), which meets the limitation of a formatter, said formatter capable of formatting the copyright-protected information object suitable to the requirements of a client device, the formatter is capable of selecting a suitable format from a database of formats to format the copyright-protected information object, wherein the formatter is capable of selecting a set of stored rules to format the copyright-protected information object, initiating a handshaking protocol with a designated device to establish the type of formatting required to make the information object accessible to said one or more N users.

Referring to claim 42, Manolis discloses that the shared images are displayed as thumbnails (Figure 27), which meets the limitation of the formatter formats the information object to fit the screen of said client device.

Referring to claims 43, 44, Manolis discloses an online print service wherein users are able to sign up for an account (Figure 5, 51) by providing user information (Figure 7). Once the user creates an account, they can upload images (Figures 11-12) to the online print service database (Figure 3, 330), which meets the limitation of a receiving an identification of an information object to be included in the first user's online repository, including the identified

information object in the first user's online repository. Manolis does not disclose that the images can be copyrighted images that are bound by license restrictions. Glassman discloses providing licensed access to copyrighted content for a period of time (Abstract & Col. 1, lines 42-50), which meets the limitation of determining a time period (T) during which the copyright-protected information object may be accessed, and allowing the copyright-protected information object to be accessed during that time (T), and disabling access to the copyright-protected information object upon expiration of that time period (T). Glassman discloses concurrent N-user license (Col. 1, lines 55-62). If no licenses are available, the requestor is provided with a time that a license should become available (Col. 6, lines 12-19), which meets the limitation of determining a number N (where $N \geq 1$) of times the copyright-protected information object may be accessed simultaneously, and allowing the copyright-protected information object to be simultaneously accessed no more than N times. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the online print service of Manolis to provide licensed access to copyrighted images in order to provide account users with the ability control access to their copyrighted images at the same time providing concurrent access to the images as suggested by Glassman (Col. 1, lines 55-62 & Col. 2, lines 27-31).

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN LANIER whose telephone number is (571)272-3805. The examiner can normally be reached on M-Th 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin E Lanier/
Primary Examiner, Art Unit 2432